

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA §  
VS. § Cause No.: 4:23-CR-250  
KYUNG HEO §

**UNOPPOSED DEFENDANT'S FIRST MOTION TO CONTINUE PRETRIAL AND TRIAL DEADLINES**

The defendant, by and through undersigned counsel, makes this Motion for Continuance of the Pretrial Deadlines. In support of this request for continuance Defendant would show the following:

I.

The Court has set the case for a pretrial conference on June 7, 2024 [Dkt # 9].

II.

Undersigned counsel was substituted in as counsel for Defendant in this matter on May 15, 2024. [Dkt # 17].

III.

Defense counsel is currently awaiting the receipt of discovery. Defense respectfully requests additional time to review discovery with Defendant and to discuss the case with counsel for the government and ensure that all evidence is reviewed in order to make a fully informed decision. This request is made in order to ensure that effective assistance of counsel is provided to the Defendant.

III.

This Motion is not made for delay but that justice may be done.

WHEREFORE, for the reasons set forth above, Defendant respectfully requests the Court to continue this case and reset the pretrial and trial deadlines in this matter.

Respectfully submitted,

BY: /s/ James R. Aulbaugh III  
James R. Aulbaugh  
Bar No. 24062594  
3300 Oak Lawn Ave., Suite 700  
Dallas, Texas 75219  
(214) 500-0430  
[james@aulbaughlaw.com](mailto:james@aulbaughlaw.com)  
Attorney for Defendant

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that he has conferred with the office of Matthew Johnson, Assistant United States Attorney, concerning the filing of this motion on this the 22<sup>nd</sup> day of May, 2024, and Mr. Johnson advised he has no objection to this request for continuance of the pretrial and trial deadlines.

/s/ James R. Aulbaugh III  
James R. Aulbaugh III

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the above and foregoing document was served on Matthew Johnson, Assistant United States Attorney, United States Attorney's Office, ECF on this the 23<sup>rd</sup> day of May, 2024.

/s/ James R. Aulbaugh III  
James R. Aulbaugh III